



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-70
<b>Regulation Title:</b>	Health Requirements Governing the Control of Equine Infectious Anemia In Virginia
<b>Action Title:</b>	Retain
<b>Date:</b>	December 6, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

Equine infectious anemia (EIA) is a chronic viral disease of all members of the equine family (horses, mules, asses, etc.). No vaccine is available to prevent the disease and there is no known cure. The virus is spread from infected to healthy horses by biting flies or contaminated instruments such as hypodermic needles - rather than by direct horse-to-horse contact. Protection of healthy horses can come only by isolating or removing infected animals since they remain carriers of the virus for life. Regulatory identification and control of horses infected with EIA is highly desirable in preventing and controlling this disease in the equine population of Virginia.

This regulation establishes the testing requirements for EIA that equines must meet when assembling at a public gathering, sale or auction in Virginia. The regulation states that the

person in charge of a public event is responsible for the administration of the testing requirement, and further states that the person in charge will exclude any horse not accompanied by a negative test report. Finally the regulation provides specific requirements for the disposition of positive reactors to the test.

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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Sections 3.1-724 through 3.1-730 of the Code of Virginia (1950), as amended, require the Board of Agriculture and Consumer Services, the State Veterinarian, and all other veterinarians within the Commonwealth to use their best efforts to protect the domestic animals and poultry from disease. Consequently, the Board of Agriculture and Consumer Services and the State Veterinarian shall establish rules and regulations to prevent the entry of animal diseases and to establish livestock and poultry disease surveillance, control, and eradication programs to prevent the possible interstate and subsequent statewide spread of diseases.

### Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

The Department published its notice in The Virginia Register of Regulations on September 11, 2000, advertising the opportunity to comment on this regulation pursuant to Executive Order Twenty-five (98). An informal advisory group was not formed for the purpose of assisting in this periodic review.

The Department received no public comment on this regulation review during the comment period.

### Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The specific and measurable goals of the regulation are:

1. The protection of the horse industry with the least possible cost and intrusiveness.
2. To prevent or minimize the introduction of contagious and infectious diseases into animal populations in the Commonwealth by (a) establishing disease-testing requirements that animals must meet if participating in a public gathering or assembled for sale or auction and (b) establish procedures for the disposition of positive reactors.

The effectiveness of the regulation in achieving these goals is reflected, in part, in the freedom from EIA in Virginia. The Commonwealth has minimized the incursion of this disease having a major impact on the horse industry because of the effectiveness of this regulation.

The regulation is clearly written and easily understandable by the individuals and entities affected.

### Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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Considered alternatives to this regulation are (1) to set no requirements for the testing of EIA to determine possible exposure to disease and (2) to not require negative test results be presented prior to participating in public gatherings or assembling for sale or auction. The agency rejects these alternatives because, without the testing system, diseased animals would transmit the illness throughout Virginia. The source of these animals would be impossible to determine or remain unknown. The ability of Virginia horsemen to transport and sell horses to and through other states may be severely restricted if Virginia does not actively monitor and eradicate this disease.

### Recommendation

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The Agency recommends that that this regulation stay in effect without change.

### Family Impact Statement

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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Unless otherwise discussed in this report, this regulation has no impact upon families.